

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

| | | |
|-----------------------|---|-----------------|
| MARK BIRKY, Personal |) | |
| Representative of the |) | |
| Estate of Robin Hass- |) | |
| Birky, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | NO. 2:08-CV-322 |
| |) | |
| GREGORY E. NEBLOCK, |) | |
| et al. |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on the Motion to Dismiss, filed by Defendants, Gregory E. Neblock and Exel Inc., on August 7, 2009. In the instant motion, Defendants seek dismissal with prejudice of Gregory E. Neblock and Penske Truck Leasing Co., L.P., incorrectly sued as Penske Truck Leasing Co. Plaintiff has no objection to the dismissal of these Defendants.

Accordingly, the instant motion is **GRANTED**. Defendants Gregory E. Neblock and Penske Truck Leasing Co., L.P. are **DISMISSED WITH PREJUDICE** from this case. Plaintiff's claims remain pending against Exel, Inc.

DATED: September 4, 2009

/s/RUDY LOZANO, Judge
United States District Court